

RESOLUTION NO. 30-2007
RESOLUTION TO CREATE
DECLARATION OF AGRICULTURAL COVENANT

THIS DECLARATION, made by and between Kenneth W. Bates, Sr. and Marlos J. Bates, owners, and Jefferson County, a political subdivision of the State of Montana, acting through its Board of County Commissioners wish to place an agricultural covenant on a parcel more particularly described as follows: Tract C4 of the Bates Minor Subdivision containing 20.93 acres more or less, on Certificate of Survey No. _____, Folio No. _____ on file and of record in the Office of the Clerk and Recorder of Jefferson County Montana.

THAT, WHEREAS, the parties intend to create a parcel to be used exclusively for the production of livestock or agricultural crops more particularly described on Certificate of Survey No. _____, Folio No. _____ on file and of record in the Office of the Clerk and Recorder of Jefferson County, Montana, and wish to impose by means of Covenant certain restrictions upon the future use of said property;

NOW, THEREFORE, the parties declare that the parcel described above, contains less than one hundred sixty (160) acres, shall be held, used, sold and conveyed in any manner subject to this covenant, which shall run with the land and real property and shall be binding on all parties having any right, title or interest in the property subject to this Covenant, or in any part thereof, shall be binding upon their heirs, executors, successors, administrators and assigns, and shall bind each and every owner thereof, now and in the future.

The parties further declare that this Covenant may be revoked only by mutual consent of the property owners and Board of County Commissioners of Jefferson County, Montana, as the governing body of said County, in which case a decision to revoke shall be solely that of the governing body; further, Declarants declare that said governing body is deemed to be a party to, and may enforce, this Covenant, to-wit:

The parcel shown as "agricultural" on the said Certificate of Survey No. _____, Folio No.

Further, any changes in use of the said parcel, land and real property, which is subject to this Covenant, for anything other than agricultural purposes, shall subject the parcel to enforcement of this Covenant and/or subjects the parcel to review as a minor subdivision. Residential, commercial and industrial structures, including facilities for commercial processing of agricultural products are excluded uses created under this exemption and under the covenant.

IN WITNESS WHEREOF, the undersigned, being Declarants herein, have hereunto set their hands and seals this _____ day of _____, 2007,

STATE OF MONTANA)
 : ss.
County of _____)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared and known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. In witness whereof, I have hereunto set my hand and seal on the _____ day of _____, 20_____.

Notary Public, State of Montana

Printed Name _____
Residing in: _____
My Commission expires: _____

Jefferson County, Montana

By: _____
Ken Weber, Chairman
Jefferson County Commission

ATTEST:

Bonnie Ramey
Jefferson County Clerk and Recorder